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9 Proposed Class

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12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**
14 **WESTERN DIVISION**

15 JAMES ESTAKHRIAN, on behalf of
16 himself and all others similarly situated,

17 Plaintiff,

18 v.

20 MARK OBENSTINE, BENJAMIN F.
21 EASTERLIN IV, KING & SPALDING,
22 LLP,

23 Defendants.

Case No. CV11-3480 FMO (CWX)

24
25 **PLAINTIFF'S NOTICE OF MOTION**
26 **AND MOTION FOR ATTORNEYS'**
27 **FEES AND COSTS**

28 Hearing Date: October 22, 2015
Time: 10:00 a.m.
Courtroom: 22

Hon. Fernando M. Olguin

NOTICE OF MOTION

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

Please take notice that on October 22, 2015 at 10:00 a.m., or such other date as the Court selects, Plaintiffs James Estakhrian and Alex Naziri,¹ will, and hereby do, move for the following awards of attorneys' fees and costs to Class Counsel and service awards to the Class Representatives to be paid out of the total common Settlement Fund, which amounts to \$1,306,082.47 (not including the cost of notice and settlement administration):

1. Attorneys' fees to Class Counsel of 25% of the Settlement Fund, which equals \$1,156,250.00;
 2. An award of costs to Class Counsel for expenses incurred in the prosecution of all claims on behalf of the Settlement Class, which amounts to \$139,832.47;
 3. A service award of \$7,500.00 to Class Representative James Estakhrian, and a service award of \$2,500.00 to Class Representative Alex Naziri.

This motion is brought pursuant to Rules 23(h) and 54(d)(2) of the Federal Rules of Civil Procedure, the Court’s July 9, 2015 Minute Order (R. Doc. 330), and the parties’ Settlement Agreement. It is based on this Notice, the memorandum of points and authorities set forth below, the accompanying declarations of Class Counsel, the accompanying declarations of the Class Representatives, all other papers and records in the Court’s file, and such other and further matters as may be presented at the hearing.

¹ Although the Court has not approved the addition of Plaintiff Naziri as a named Plaintiff, for purposes of this Settlement Agreement the parties are assuming that such approval will be forthcoming. Should such approval be denied, Mr. Naziri would not be entitled to any service award and there would be no requirement that Mr. Naziri be appointed as a Class Representative.

1 Dated: September 9, 2015

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